

# **EXHIBIT E**



Tirzah Lollar  
+1 202.942.6199 Direct  
Tirzah.Lollar@arnoldporter.com

August 5, 2022

**VIA E-MAIL**

Raymond C. Winter  
Division Chief, Civil Medicaid Fraud Division  
Raymond.winter@oag.texas.gov

Re: Case 2:21-cv-00022-Z; *The United States of America, et al v. Planned Parenthood Federation of America, Inc., et al*; In the United States District Court for the Northern District of Texas, Amarillo Division.

Dear Ray:

Thank you for meeting and conferring with us by phone on Monday and Tuesday, August 1<sup>st</sup> and 2<sup>nd</sup> regarding our Motion to Compel. We are in receipt of your letter dated August 3, 2022, memorializing the State's positions.

Affiliates appreciate the State's attempt to clarify its positions and narrow the issues that are in dispute without judicial intervention. There are a few areas, however, where Affiliates need to clarify the State's understanding and highlight where a dispute still exists:

- **RFPs 3, 9, 10, 11, 12, 15, 16, 17, 18, 24, 33, 34, 35, 38 and 39:** We appreciate the State's offer to search certain designated custodial files in response to our requests. Affiliates would like to confirm our understanding, consistent with our position during the meet and confer conferences, that any search of custodial files by the State will also include a search for the presence of responsive documents in any drive to which the relevant custodians had access. Affiliates would also like to confirm our understanding that any electronic searches will be done on any shared drives that could contain responsive documents.
- **RFP 13:** This request seeks all documents related to your decision to intervene in the case. As we discussed, this would include all documents on which the State based its decision to intervene. Surely the State reviewed documents in making its

# Arnold & Porter

August 5, 2022

Page 2

intervention decision, and Affiliates are entitled to receive those documents in discovery.

- **RFP 6:** We appreciate the State's agreement to comply with its obligations under the FRCP regarding experts, but please confirm that the State will produce the requested documents. Until that time, we cannot agree that Affiliates' motion with respect to RFP 6 is moot.
- **RFP 36:** Affiliates stated on the call that they would wait to see what documents and videos are produced by Relator and that Texas need not produce copies of the same documents and videos that are produced by Relator. However, if Texas possesses responsive documents or videos beyond what is produced by Relator, then Affiliates expect that Texas will produce them.
- **RFP 37:** RFP 37 is different from RFP 36. You stated on the call that you would get back to Affiliates with the State's position on RFP 37. Accordingly, Affiliates' motion to compel with respect to RFP 37 is still a live issue.

As for the RFPs that Texas has now agreed to respond to, Affiliates appreciate Texas's agreement, but reserve all rights to challenge the State's responses to the discovery requests until the State has completed its document production and supplemental interrogatory responses.

Affiliates are open to further discussion to help alleviate the need for the Court's involvement.

Sincerely,  
Tirzah S. Lollar

cc: All Attorneys of Record